

12736
300/067
24 June 2016

MEMORANDUM

From: (b)(6)
To: (b)(6)

SUBJ: INVESTIGATION OF SEXUAL HARASSMENT ALLEGATIONS REGARDING
(b)(6)

Ref: (a) Code 300 Memo 12736 Ser 300/064 of 14 June 2016
(a) Code 100 Letter 12736 Ser 100/067 of 26 May 2016

Encl: (1) Report of Investigation

1. This memo supersedes reference (a).

1. Pursuant to your request of reference (b), Enclosure (1) is forwarded.

(b)(6)

WARNING: FOR OFFICIAL USE ONLY-PRIVACY SENSITIVE: ANY MISUSE
OR UNAUTHORIZED DISCLOSURE MAY RESULT IN BOTH CIVIL AND CRIMINAL
PENALTIES

Enclosure (1)

Enclosure (1) Report of Investigation

Allegations of Sexual Harassment Regarding

(b)(6)

Attachment (1) - List of witnesses and organizational location

Attachment (2) - Affidavit of (b)(6)
with attachments

Attachment (3) - Affidavit of (b)(6)

Attachment (4) - Affidavit with attachment/Supplementary
Affidavit of (b)(6)

Attachment (5) - Affidavit with attachment/Supplementary
Affidavit of (b)(6)

Attachment (6) - Affidavit of (b)(6)

Attachment (7) - Affidavit of (b)(6)

Attachment (8) - Affidavit of (b)(6)

Attachment (9) - Affidavit of (b)(6)

Attachment (10) - Affidavit of (b)(6)

Attachment (11) - Affidavit of (b)(6)
with attachments

Attachment (12) - Affidavit of (b)(6)
with attachment

Attachment (13) - Affidavit of (b)(6)
with attachment

Attachment (14) - Affidavit of (b)(6)

Attachment (15) - Affidavit of (b)(6) via Telephone
Conversation

Background

On May 18, 2016, (b)(6) (b)(6), made an unscheduled visit to the (b)(6) in building 174, and spoke with (b)(6) and (b)(6). During that visit, (b)(6) alleged that she had been harassed by (b)(6) a (b)(6) employee. The undersigned was assigned to investigate these allegations on May 26, 2016.

Allegations

Ms. Clark, in her affidavit at Attachment (2), alleges the following:

- 1.) (b)(6) sent her sexually harassing and threatening text messages on October 28, 2015 to her personnel cell phone.
- 2.) (b)(6) sent her a text on October 29, 2015 containing a picture originally from Facebook to her personal cell phone captioned with "just a liar like all the rest".
- 3.) (b)(6) told her he is vital to the test program and she is not.
- 4.) (b)(6) has refused to talk to her when accomplishing work/testing that requires their communication, creating a hostile work environment.
- 5.) (b)(6) sent her a text picture of a dog collar or a collar for some other purpose to her personal cell phone with a statement "I got you a new collar my pet" "Oops" "Sorry" Wrong person".

- 6.) (b)(6) sent her a sexually harassing text message on February 19, 2016 to her personal cell phone.
- 7.) (b)(6) sent her a sexually harassing text message on February 25, 2016 to her personal cell phone.
- 8.) (b)(6) physically bumped into her at work in late April/early May 2016 to the point that (b)(6) and (b)(6) commented on the occurrence.
- 9.) (b)(6) followed her from Building 174 to the controlled industrial area turnstile while walking to her car on May 14, 2016.
- 10.) (b)(6) purposefully turned up his radio to drown out a work related conversation between Ms. Clark and (b)(6) in the CSO work area in building 174.
- 11.) (b)(6) sent her two transactions using NMCI electronic mail on May 18, 2016 containing a copy of a facebook picture from May 18, 2015, one year earlier.

Findings

- ✓ 1.) (b)(6) in his affidavit at Attachment (14) vaguely recalls sending Ms. Clark text messages on October 28, 2015. He did not recall what time they were sent. When confronted with the details of those text messages, he agreed that they were sent. Printed images of this text message exchange are contained in Ms. Clark's affidavit at Attachment (2). This substantiates this allegation.
- ✓ 2.) (b)(6) in his affidavit at Attachment (14) did not recall sending her a text on October 29, 2015 containing a picture originally from Facebook to her personal cell phone captioned with "just a liar like all the rest". Printed images of this text message exchange are contained in Ms. Clark's affidavit at Attachment (2). This substantiates this allegation.

3.) (b)(6) did not recall telling her he is vital to the test program and she is not. This allegation was not substantiated, as there were no direct witnesses.

7 4.) (b)(6) stated he has not refused to talk to her when accomplishing work/testing that requires their communication. This allegation was not fully substantiated; however there are indications within Attachment (2) text messages that indicate it is probable. Contained with this text message exchange is the statement by (b)(6) "and don't expect me to ever help you at work and don't bother putting your application in to cso".

✓ 5.) (b)(6) sent her a text picture of a dog collar or a collar for some other purpose to her personal cell phone. Printed images of this text message picture with captions are contained in Ms. Clark's affidavit at Attachment (2). This substantiates this allegation.

✓ 6.) (b)(6) sent her a text message on February 19, 2016 to her personal cell phone. Printed images of this text message exchange are contained in Ms. Clark's affidavit at Attachment (2). This substantiates this allegation.

✓ 7.) (b)(6) sent her a text message on February 25, 2016 to her personal cell phone. Printed images of this text message exchange are contained in Ms. Clark's affidavit at Attachment (2). This substantiates this allegation.

✓ 8.) (b)(6) physically bumped into her at work in late April/early May 2016 to the point that (b)(6) and (b)(6) commented on the occurrence. (b)(6) in his Supplementary Affidavit at Attachment (4) confirms he witnessed an occurrence of physical contact between (b)(6) and (b)(6). This substantiates this allegation.

9.) (b)(6) followed her from Building 174 to the controlled industrial area turnstile while walking to her car on May 14, 2016. While this event happened, based on information at Attachments (2), (4) and (14), (b)(6) indicates it was not intentional.

✓ 10.) (b)(6) purposefully turned up his radio to drown out a work related conversation between Ms. Clark and (b)(6) in the CSO work area in building 174. This is substantiated in his affidavit at Attachment (14), but only because he recalls their conversation was distracting his ability to concentrate on his work, with no other malice intended. (b)(6) in his affidavit at Attachment (15), confirmed that (b)(6) was rude during this event, and unnecessarily created an uncomfortable situation.

✓ 11.) (b)(6) sent her two transactions using NMCI electronic mail on May 18, 2016 containing a copy of a facebook picture from May 18, 2015, one year earlier. Printed images of one of the two emails are contained in Ms. Clark's affidavit at Attachment (2). (b)(6) at Attachment (14) also acknowledges he sent them. This substantiates this allegation.

Summary

(b)(6) did not initially recall sending the text messages and pictures. Upon listening to me read the exact content of them, he was surprised that I had this information and asked if I had to read all of it. I read as much as I needed to refresh his memory in support of substantiating allegations.

All personnel who were interviewed provided the same summary of (b)(6) behavior, as unpredictable and moody, good one day, then bad the next.

There is substantiated evidence of the rude and unprofessional behavior of (b)(6) towards Ms. Clark, and there is substantiating information associated with the effect (b)(6)

(b)(6) behavior had on Ms. Clark. In Attachment (3), (b)(6) took it upon himself to attempt to resolve the situation with (b)(6) by initiating corrective action (through discussion), within the limits imposed at the time by Ms. Clark (informal). This is substantiated by (b)(6) at Attachment

(7) and (b)(6) at Attachment (8). Additional substantiating evidence exists from (b)(6) at Attachment (5).

Initially Ms. Clark chose informal methods to resolve the problem, due to her concern of being labeled a troublemaker and having that label applied for her career. Ms. Clark was driven to the point where she could no longer perform her duties, ultimately leading to the formal complaint, as resolution through informal methods was ineffective at solving the problem.

(b)(6)

Investigator
June 24, 2016

LIST OF WITNESSES AND ORGANIZATION LOCATION

1.	(b)(6)	Shop 967
2.	(b)(6)	Shop 967
3.	(b)(6)	Shop 967
4.	(b)(6)	Shop 967
5.	(b)(6)	Shop 950
6.	(b)(6)	Shop 950
7.	(b)(6)	Shop 950
8.	(b)(6)	Shop 950
9.	(b)(6)	, Code 295
10.	(b)(6)	Code 244
11.	(b)(6)	Code 293
12.	(b)(6)	Code 295

Attachment (1)

Page 1 of 1

WARNING: FOR OFFICIAL USE ONLY-PRIVACY SENSITIVE: ANY MISUSE OR UNAUTHORIZED DISCLOSURE MAY RESULT IN BOTH CIVIL AND CRIMINAL PENALTIES.

Affidavit

I, Stephanie Clark, hereby certify under penalty of perjury, in accordance with 28 USC 1746, that the following is true and correct to the best of my belief

My position is Electronics Mechanic Leader (WL-2604-11) at Portsmouth Naval Shipyard. My first line supervisor is (b)(6)

(b)(6) My second line supervisor is (b)(6)

In 2013, I became acquainted with (b)(6) working on SSN 754. In March 2014, I became friends with (b)(6) working on SSN 757. In March/April of 2015, (b)(6) informed me that he had feelings for me. I informed him I was not interested because he was married and we worked closely together.

Later that year (2015), (b)(6) got divorced. We remained friends and hung out a lot.

In May/June 2015, I asked (b)(6) to just be friends. We continued our friendship. (b)(6) texted a picture of a smashed car window. I ended up going to the scene of the accident he was involved in to help him and found him being taken away in the custody of police and in handcuffs. I went to the police station and later drove him home. After the driving while intoxicated arrest, I helped him get to and from work and get groceries after he lost his driving privileges. I also helped him move to a new residence after the divorce.

During this time of friendship, (b)(6) would exhibit significant mood swings and be absent from work. His absenteeism was well known to his supervisors, as was his moodiness. Because of our friendship, his coworkers on the project would request that I do wellness checks, because he would not show up for work or call in on leave. In July of 2015, a trouble desk leader requested that I do a wellness check at his residence because he wasn't showing up for work or answering his phone. When I went to check on him, he didn't answer the door.

I regularly got calls and texts from his co-workers and supervisors asking where he is when he is out, including when I was on temporary duty to CT in September 2015 for training. One time when I went to check on him he had a loaded weapon beside him at his residence. I know that he owns a lot of weapons. He indicated that nobody cared about him and seemed suicidal at times.

Other people in my shop have noticed his erratic mood swings and behavior and have been telling me to distance myself from him and only to interact when the job required it.

Again in October 2015, I told (b)(6) I only wanted to be co-workers and I couldn't help him anymore outside of work. The following text message exchange took place:

Weds, October 28, 2015

(b)(6) (7:53AM):

"I didn't read any of that"

"You want to give me a lecture"

"?"

"You better do it to my face"

"and go fuck yourself"

"so we are done"

"Stop fucking texting me"

"Don't call me"

"and don't expect me to ever help you at work"

"and don't bother putting your application in to CSO"

"all I needed was a friend to talk to me the last couple o weeks and you wouldn't even fucking bother"

"And I did ask asshole"

"Its all I asked for"

Me (10:03AM):

" (b)(6) , you need to relax"

(b)(6) (10:03AM):

"Done" "Stop fucking texting me"

Me (10:03AM):

"A) Don't threaten me with work. That's not only entirely unprofessional but if you only work with me because I'm your

friend...That's a problem. B) I told you that you need something I can't provide. I don't understand why you are acting like this. I don't understand why you are so aggressive and negative towards me. If you want to cut all ties, that's your choice. You don't have to be my friend. But you do have to be civil. Remember that, please."

(b)(6) (10:08AM):
"Fuck off"
"All I needed was a friend to talk to me the last couple o weeks and you wouldn't even fucking bother."

Me (10:08AM):
"We have talked"
"You slammed your hard hat and stormed off the boat last time I tried to ask how things were going"

(b)(6) (10:08AM):
"No we haven't"
"stop fucking texting me"
"or I'll block you"
"You are delusional"
"we are done"

Thursday October 29, 2015

(b)(6) (11:32PM):Sent same picture that was emailed originally from facebook to text with the following.
"Just a liar like all the rest"

About a week later (b)(6) sent me additional pictures including a dog collar or a weird collar for some other purpose, and then saying he sent it to the wrong person.

(b)(6) has told me he is vital to the test program and I am not. I have not brought this up previously because I know he is important and is not held accountable. I love my job, enjoy coming to work and just want to be able to do my job and not create problems that are going to follow me for the rest of my career, or get anyone in trouble.

(b)(6) behavior around me ranges from creepy/stalkish (following me around, hanging out in the shop

when I am there when he has no reason to be there); to unprofessional/childish (refusing to talk to me when testing requires it, and undermining my work. People at work, including supervisors have witnessed and commented on this behavior. (b)(6)

(b)(6) behavior resembles a roller coaster and mentioned that he will behave if my supervisor is around, but act differently when my supervisor is not present. (b)(6) has told (b)(6)

(b)(6) to stop with the unprofessional behavior toward me, on several occasions.

On February 16, 2016, I was on the 756 boat to do some testing with (b)(6) a co-worker. (b)(6) came to the boat to participate in the testing. He would not talk to me, only to (b)(6) making it very uncomfortable for me.

Later in February 2016, my supervisor, (b)(6) told (b)(6) (b)(6) to stop his bad behavior toward me and act professionally. (b)(6) also informed our Zone Manager, (b)(6) (b)(6) and the Shop General Foreman, (b)(6) about the situation. (b)(6) met with me, (b)(6) and (b)(6) (b)(6) and discussed the need to work together and stop the bad behavior. I explained that we worked well together, that it was (b)(6) that was causing the problems. (b)(6) told me to only interact with (b)(6) when it was required to perform work or testing.

Later in the week, the following text message exchange took place:

Fri, February 19, 2016

Me (8:01PM):

"I don't know what that means...I was told explicitly to never talk to you again unless in an official capacity"

Fri, February 19, 2016

(b)(6) (9:10PM):

"That makes you a fucking whore"

"You make me fucking sick you filthy whore"

"Fuck you"

On Saturday February 20, (b)(6) and I were attempting to perform IDU testing with (b)(6) who practically refused to talk to me and kept talking over me.

On Thursday February, 25, 2016 I brought in brownies to celebrate testing that was going well. It was also (b)(6) birthday, so I gave him a hug. Later in the evening the following text message exchange took place:

Thurs February 25, 2016

(b)(6) (7:10PM):

"Thanks. It sucks that Pregnant Brownies and a hug from you was the highlight of my birthday"

Me (9:30PM):

"You have your bar, girls, and whatnot. Enjoy your day (b)(6) ."

(b)(6) (10:48PM):

"Fuck off bitch"

"Nobody else gives a fuck why should I"

"You're a horrible fucking person"

"Don't ever expect to hear from me again"

"Fucking Stupid bitch"

"Fucking cunt"

"You think you're better than everyone else?"

"Fuck you"

"Do you want to fucking judge me?"

"You're a fucking cunt"

"You should stick with your children"

"And your fucking manchild"

"And fucking leave the real life to people who fucking care about it"

"Thanks for ruining my fucking birthday"

For the next week I had to sit next to him during periscope sweep testing.

In late April, early May 2016 (b)(6) bumped into me at work physically to the point that (b)(6) and (b)(6) commented on the occurrence.

On Saturday May 14, 2016, testing on the 756 went well. We were discussing where we were going to go to eat. We routinely go out and eat after work as a group. (b)(6) stuck around even though testing was complete and he should have left. (b)(6) was present and (b)(6) kept mentioning places that we should go, so I would bring up places that I knew we needed to drive to because he couldn't drive. (b)(6) would not let me leave until (b)(6) left. (b)(6) told me he didn't want him following me out so I didn't let you go earlier. She stated that she walked out after being released for the day and (b)(6) did end up following me through the turnstile.

On Sunday May 15, 2016, I reported to work to accomplish scheduled testing. I was assigned to accomplish TWD 1. (b)(6) (b)(6) came to boat with test 2 and said we were going to work on test 2. (b)(6) also stated he had to leave around 9AM. I told him that the equipment for test 2 was broken and we couldn't test it. (b)(6) said I fixed it and stormed off with test 2 saying I'll do it myself. I knew test two required readings be recorded every thirty minutes for five hours. (b)(6) (b)(6) who was filling in for (b)(6) told me to continue with TWD 1.

On Tuesday May 17, 2016 I was in the CSO area in building 174 talking with (b)(6) from Code 290. (b)(6) saw me and gave me a hard time about being in the 290 area and asked me if my supervisor knew where I was. He also turned up the radio as loud as it would go to drown out my conversation with (b)(6)

On Wednesday May 18, 2016 we were performing a confidential test on board 756. (b)(6) came to the boat and said good job to me.

Later on that same day I checked my NMCI email account and saw two emails from (b)(6) NMCI email. One was sent at 7:52AM and contained a picture of the two of us from a facebook post the year earlier(See attachment 1). The second email was at 7:54AM and contained the same picture. (b)(6) was sitting

with me and saw what (b)(6) had sent. (b)(6) told me "that's really messed up (b)(6) ". I got really upset and said "why won't he just leave me alone". This is when I proceeded to discuss the situation with with (b)(6) CTE and (b)(6) (b)(6) Code 290 TD Supervisor and asked them to talk to (b)(6) I spoke with (b)(6) (Code 950) and requested I be moved to a different project and that I couldn't work in this environment anymore and also asked to take Friday off. I had already gotten approval to take Thursday off. My leave request was granted. I went home from work and did not return until Monday, 23 May 2016.

I give this statement voluntarily and without duress. I understand that, in the event disciplinary action is taken as a result of this investigation, this statement may be used as supporting documentation for that action. In addition, I understand that it may be released to the person against whom disciplinary action has been proposed, and that I may be called upon to be a witness in any proceeding which follows such action.

(b)(6)
Signature _____

(b)(6)
Date _____

Clark, Stephanie E CIV USFF, 967

From: (b)(6)
Sent: Wednesday, May 18, 2016 7:52
To: Clark, Stephanie E CIV USFF, 967
Subject: Best idea ever
Attachments: Capture.PNG
Signed By: (b)(6)

(b)(6)

MS. CLARIL
ATTACHMENT (1)
PAGE 1 OF 2

MAY
18

1 YEAR AGO TODAY

Mon, May 18, 2015



Stephanie Clark with

(b)(6)

May 18, 2015 at 5:38am

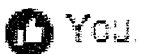
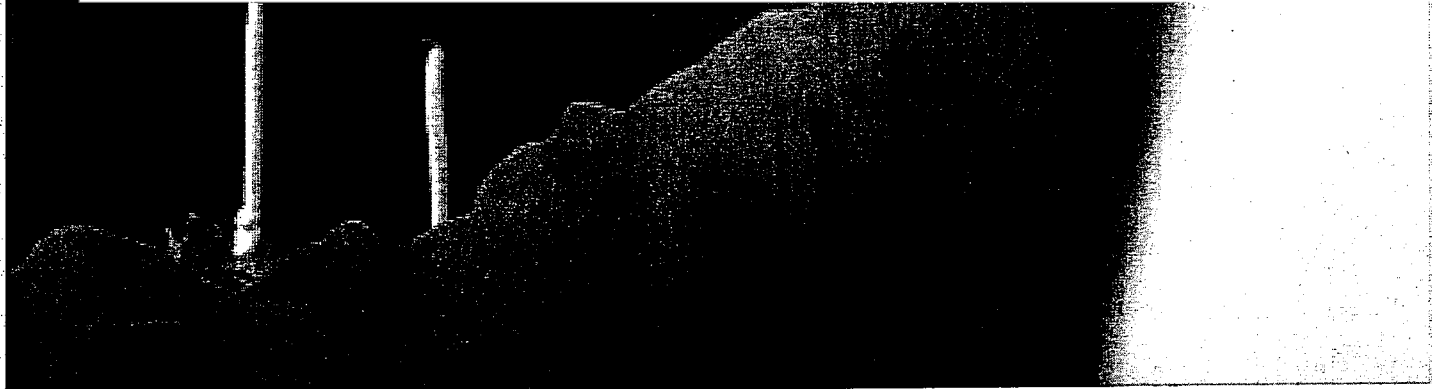
(b)(6)



Best idea ever! Breakfast on the beach with my new bff! ❤️



(b)(6)



You

(b)(6)

and 3 others

3 Comments

➦ Share

ATTACHMENT (1)
PAGE 2 OF 2

8:01 PM Friday Feb 19

me: "I don't know what that means... I was told explicitly to never talk to you again unless in an official capacity."

Friday Feb 19 9:10 PM

him: "Fuck you"

"That makes you a fucking whore"

"You make me fucking sick you filthy whore"

"Fuck you"

8 hours later

(b)(6)

and I tried to perform IDU testing with (b)(6) who practically refused to speak to me and kept talking over me. *

Thursday Feb 25 7:10 PM

"Thanks"

It sucks that Pregnant Brownies and a hug from you was the highlight of my birthday "

9:30pm

me: You have your bar, girls and whatnot. Enjoy your day (b)(6) "

10:48 pm

him: "Fuck off bitch"

"Nobody else gives a fuck why should I "

"You're a fucking horrible fucking person"

"Don't ^{ever} expect to hear from me again"

"Fucking stupid bitch"

"Fucking cunt"

* "You think you're better than everyone else?"

"Fuck you"

"Do you want to fucking judge me?"

"You're a fucking cunt"

"You should stick with your children"

"And you're fucking manchild"

"And fucking leave the real life to people who fucking care about it"

"Thank for ruining my fucking birthday"

* I had to sit next to him for sweeps that whole week. *

H.S. CLAIM

ATTACHMENT (2)

Pg 1 of 3

(continued 10:08AM wed oct 28)

him "Fuck off"

"All I needed was friend to talk to me the last couple
6 weeks and you wouldn't even fucking bother."

me "we have talked"

"You slammed your hand hat and stormed off the boat
last time I tried to ask how things were going"

him "no we haven't"

"Stop fucking texting me"

"or I'll block you"

"You are delusional"

"we are done"

Thu Oct 29 11:32 pm

him *same picture from email*

"Just a liar like all the rest"

[<](#) Messages

(b)(6)

Details

or a person, please stop lashing out and saying terrible things because you're hurt and angry and frustrated. That's how it is mike. You have to be the one who helps you, it's been going on for a long time, and obviously there isn't a short term solution. You deserve to feel happier than you do currently. You deserve peace. I can't give any of that to you.

Wed, Oct 28, 7:53 AM

I didn't read any of that

You want to give me a lecture

?

You better do it to my face

And go fuck your self

You're not being a friend right now

You're being an ass



iMessage



Mrs. CLARK
ATTACHMENT (3)
Pg 1 of 10

< Messages

(b)(6)

Details

or a person, please stop lashing out and saying terrible things because you're hurt and angry and frustrated. That's how it is mike. You have to be the one who helps you, it's been going on for a long time, and obviously there isn't a short term solution. You deserve to feel happier than you do currently. You deserve peace. I can't give any of that to you.

Wed, Oct 28, 7:53 AM

I didn't read any of that

You want to give me a lecture

?

You better do it to my face

And go fuck your self

You're not being a friend right now


You're being an ass



iMessage



Mrs. CLARK
ATTACHMENT (3)
Pg 1 of 10

 Messages

(b)(6)

Details

Wed, Oct 28, 7:53 AM

I didn't read any of that

You want to give me a lecture

?

You better do it to my face

And go fuck your self

You're not being a friend right
now

You're being an ass

So we are done

Stop fucking texting me

Don't call me

And don't expect me to ever
help you at work


And don't bother putting your
application in to cso



iMessage



MS. CLARK
ATTACHMENT 3
Pg 2 of 10

 Messages

(b)(6)

Details

And don't bother putting your
application in to cso

All I needed was friend to talk to
me the last couple o weeks and
you wouldn't even fucking
bother

And I did ask asshole

It's all I asked for

Wed, Oct 28, 10:03 AM

(b)(6)

You need to relax.

Done

Stop fucking texting me


A) don't threaten me with work.
That's not only entirely
unprofessional but if you only
work with me because I'm your
friend... That's a problem.
B) I told you that you need
something I can't provide. If you
can't handle that I don't know



iMessage



MS. CLARK
ATTACHMENT 3
Pg 3 of 10

 Messages

(b)(6)

Details

friend... That's a problem.
B) I told you that you need something I can't provide. If you can't handle that I don't know what to say. I don't understand why you are acting like this. I don't understand why you are so aggressive and negative towards me. If you want to cut all ties, that's your choice. You don't have to be my friend. But you do have to be civil. Remember that, please.

Fuck off

All I needed was friend to talk to me the last couple o weeks and you wouldn't even fucking bother

We have talked.

You slammed your hart hat and stormed off the boat last time I tried to ask how things were going.



iMessage



MS. CLARIE
ATTACHMENT (3)
Pg 4 of 10

 Messages

(b)(6)

Details

No we haven't

Stop fucking texting me

Or I'll block you

You are delusional

We are done

Thu, Oct 29, 11:32 PM

(b)(6)

Just a liar like all the rest

Wed, Nov 4, 11:29 PM

 Ok

Thu, Nov 5, 8:59 AM



iMessage



MS. CLARKE
ATTACHMENT 3
Pg 5 of 10

 Messages

(b)(6)

Details



Just a liar like all the rest

Wed, Nov 4, 11:29 PM

 Ok

Thu, Nov 5, 8:59 AM

Ok

Thu, Nov 5, 6:25 PM

Is this really how you want to
leave things

?

Thu, Nov 5, 8:45 PM

I'm not going to make it

Whatever

Thanks for nothing

Got it



iMessage



MS. CLARK
ATTACHMENT 3
Pg 6 of 10

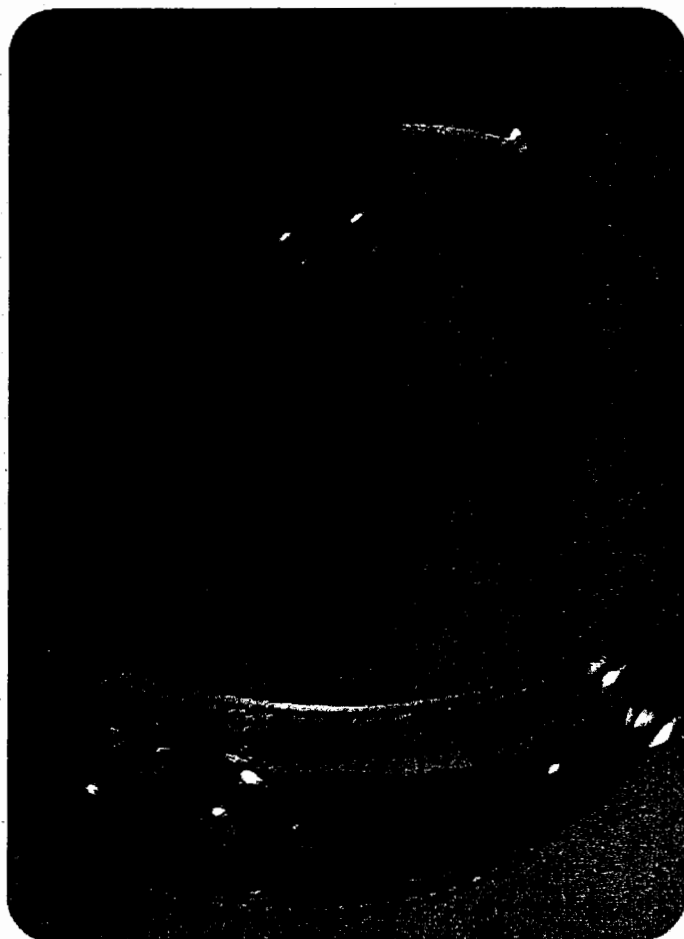
< Messages

(b)(6)

Details



Sat, Dec 19, 9:10 PM



I got you a new collar my pet

Oops

Sorry


Wrong person



Message



MS. CLARIZ
ATTACHMENT 3
Pg 7 of 10

 Messages

(b)(6)

Details

That hurts more than anything
else you have ever said to me

I don't know what that means... I
was told explicitly to never talk
to you again unless in an official
capacity

Fri, Feb 19, 9:10 PM

Fuck you

That makes you a fucking whore

You make me fucking sick you
filthy whore

Fuck you

Sat, Feb 20, 5:04 AM

Wait what?

Sat, Feb 20, 3:55 PM

Sorry

That was for my ex wife



iMessage



MS. CLARK
ATTACHMENT 3
pg 8 of 10

 Messages

(b)(6)

Details

Thu, Feb 25, 7:10 PM

Thanks

It sucks that pregnant brownies
and a hug from you was the
highlight of my birthday

Thu, Feb 25, 9:30 PM

You have your bar girls and
whatnot. Enjoy your day, (b)(6)

Thu, Feb 25, 10:48 PM

Fuck off bitch

No body else gives a fuck why
should I

Your a fucking horrible fucking
person

Don't ever expect to hear from
me again

Fucking stupid bitch



iMessage



MS. CLARK
ATTACHMENT 3
Pg 9 of 10

 Messages

(b)(6)

Details

me again

Fucking stupid bitch

Fucking cunt

You think you're better than
everyone else?

Fuck you

Do you want to fucking judge
me?

Your a fucking cunt

You should stick with your
children

And you're fucking manchild

And fucking leave the real life to
people who fucking care about
it

Text Message

Thank for ruining my fucking
birthday

iMessage



MS CLAHZ
ATTACHMENT 3
Pg 10 of 10

Affidavit

I, (b)(6) hereby certify under penalty of perjury, in accordance with 28 USC 1746, that the following is true and correct to the best of my belief.

My position is (b)(6) at
Portsmouth Naval Shipyard. My first line supervisor is (b)(6)
My second line supervisor is (b)(6)

In February 2016, Stephanie Clark informed me that a Combat Systems Office employee, (b)(6) was treating her in an unprofessional manner, was often moody, disgruntled, rude and hard to work with, and it was impacting our ability to progress assigned work and testing. Once aware, I contacted my management in the shop, (b)(6) and (b)(6) to inform them of the situation. I then approached (b)(6) and had about a twenty minute conversation with him on his behavior, told him to stop treating my people in this manner, and act professional during dealings with my people. He seemed fine with the discussion, understood the message, and apologized for his bad behavior.

(b)(6) behavior and moods change from day to day. One day he may be easy to work with and other days he is difficult, unprofessional, and rude. We have referred to this behavior as Jekyll and Hyde like, and highly unpredictable.

In May 2016 while TDY to Pearl Harbor, HI, I called back to check on the status of our work and testing and spoke to (b)(6) who was assigned to fill in for me during my TDY. (b)(6) informed me that Ms. Clark had finally had enough of (b)(6) and had discussed the situation with the Code 290 CTE ((b)(6) and the (b)(6) (b)(6)

I give this statement voluntarily and without duress. I understand that, in the event disciplinary action is taken as a result of this investigation, this statement may be used as supporting documentation for that action. In addition, I understand that it may be released to the person against whom disciplinary action has been proposed, and that I may be called upon to be a witness in any proceeding which

(b)(6)

6/3/16

Date

Affidavit

I, (b)(6) hereby certify under penalty of perjury, in accordance with 28 USC 1746, that the following is true and correct to the best of my belief.

My position is Electronics Mechanic Supervisor (WS-2604-11) at Portsmouth Naval Shipyard. My first line supervisor is (b)(6)

(b)(6) My second line supervisor is (b)(6)

(b)(6) s behavior was unpredictable. He was in a good mood some days and he was in a bad mood on others. ~~This behavior~~ (b)(6)

On Saturday afternoon May 14, 2016, After completing AIS testing, we were sitting in the work area awaiting for the others to return from the boat. Ms. Clark mentioned she was hungry and was discussing where to go eat after work. Ms. Clark mentioned a craving for fried pickles, at which time (b)(6) suggested Rudder's, which I know as a place he frequents due to the close proximity of his residence. Ms. Clark stated to (b)(6)

(b)(6) that this was "his spot" and because so, she would not go there. Sometime had passed and I was getting the feeling (b)(6)

(b)(6) was only hanging around at the table waiting for Ms. Clark to leave. When Ms. Clark was dismissed, which was just a matter of moments before the rest of us left, (b)(6) followed right behind her. When I got back to my car, I texted Ms. Clark and asked if (b)(6) had followed her to her car, she stated she didn't even know he was there until reaching the turnstile, and he was a step behind her and said nothing to her, but he had not followed her past the turnstile. She said it seemed awkward.

On Saturday May 14, 2016 before leaving we discussed the plan for Sunday May 16, 2016. Due to only a couple people coming in, I had told Ms. Clark her focus would be on an OSDS TGI we had been working as it was our highest priority job. So I was a bit surprised to see (b)(6) in on Sunday May 15, 2016 as OSDS was not his system, and I had previously stated on Saturday there were no plans to work his system on Sunday. He expressed to me that he wanted to work the GPS test. I informed him Ms. Clark would be working OSDS. We had a discussion and it was determined due to the nature of the GPS test that some aspects

could be performed simultaneously with OSDS, but I stressed that it could not be a distraction to the OSDS job. Upon arriving to the boat and setting up for the OSDS job (b)(6) stated the only reason he was there was to be present during the GPS test. He then went to Ms. Clark's tool bag removed the test and went on his way, seeming rather frustrated in the process. I didn't see him again on the boat, and had looked for him on the deck plates approximately an hour later before I left the boat.

On Tuesday May 17, 2017, Ms. Clark had gone to the Code 290 area to speak with (b)(6), she told me, as well as others at the table that (b)(6) was talking to someone else and she struck up a conversation with (b)(6) who happens to sit across from (b)(6). During that conversation, according to Ms. Clark, (b)(6) told her to get lost, you don't belong here, etc. He also according to Ms. Clark turned up the music at his desk in attempt to drown out her conversation with (b)(6). She came back to the office irritated with the incident.

On Weds May 18, 2016, I had borrowed Ms. Clark from the 756 for the second half of the day for aft SOMS installation on the 767 which required a J qualification. It was shortly after 1530, we were sitting at a table awaiting status and the TGI. At this time Ms. Clark expressed to me that she was happy she had the following day off as she felt like she was walking on eggshells with (b)(6). It was at this moment in my mind that there was likely a problem that required attention. Moments later at approximately 15:45, Ms. Clark checked her NMCI email. In her inbox were two duplicate emails from (b)(6) sent a couple minutes apart (approx. 07:50AM) with the subject line "best idea ever". In the email was a picture of the two of them together taken exactly one year ago. Ms. Clark was initially extremely annoyed, showed the email to both myself and (b)(6) and asked if we thought it was appropriate, she seemed very upset that this took place on her work email. She then quickly became visibly upset and retreated to the restroom. Upon returning from the rest room she informed me that she had spoken to (b)(6) about the incident and a call was then made to (b)(6).

I give this statement voluntarily and without duress. I understand that, in the event disciplinary action is taken as a result of this investigation, this statement may be used as supporting documentation for that action. In addition, I understand that it may be released to the person against whom disciplinary action has been proposed, and that I may be called upon to (b)(6) witness in any proceeding which follows such action.

(b)(6)

06 Jun 16
Date

05/22/16

To whomever it may concern,

I have worked with both Stephanie Clark and (b)(6) (b)(6) on the 756 project since late February as both a Work Leader and more recently as a Supervisor. In that time Ms. Clark from what I witnessed maintained a professional attitude, and often mentioned in the past that she had learned and continued to learn a lot from working with (b)(6)

On May 14, Saturday, Ms. Clark worked with (b)(6) to complete AIS testing. Test was completed and Sat. It was the afternoon and we were sitting around the work area waiting for a couple others to return from the boat. Ms. Clark mentioned she was hungry and was brainstorming on where to go or where to pick up something to eat after work. Ms. Clark mentioned a craving for fried pickles, at which time (b)(6) suggested Rudders, which I know as a place he frequents due to the close proximity to his residence. Ms. Clark stated to (b)(6) that this was "his spot" and because so, she would not go there. Sometime had passed and I was getting the feeling (b)(6) was only hanging at the table waiting for Ms. Clark to leave. When Ms. Clark was dismissed, which was a just a matter of moments before the rest of us left (b)(6) followed right behind her. When I got back to my car, I texted Ms. Clark and asked if he had followed her to her car, she stated she didn't even know he was there until reaching the turn style, and he was a step behind her and that he said nothing to her, but he had not followed her past the turn style. She said it seemed a bit awkward.

May 15, On Saturday (5/14) before leaving we discussed the plan for Sunday. Due to only a couple people coming in, I had told Ms. Clark her focus was going to be an OSDS TGI we had been working as it was our highest priority job. So I was a bit surprised to see (b)(6) in on Sunday as OSDS was not his system, and I had previously stated on Saturday there were no plans to work his system on Sunday. He expressed to me that he wanted to work the GPS test. I informed him Ms. Clark would be working OSDS. We had a discussion and it was determined due to the nature of the GPS test that some aspects could be performed simultaneously with OSDS, but I stressed that it could not be a distraction to the OSDS job. Upon arriving to the boat and setting up for the OSDS job (b)(6) stated the only reason he was there was to be present during the GPS test. He then went to Ms. Clark's tool bag removed the test and went on his way, seeming rather frustrated in the process. I didn't see him again on the boat, and had looked for him on the deck plates approximately an hour later before I left the boat.

May 17, Ms. Clark had gone to the 290 work area to speak to (b)(6) she told me, as well as others at the table that Rob was talking to someone else and she struck up a conversation with (b)(6) who happens to sit across from (b)(6) During that conversation, according to Ms. Clark, (b)(6) told her and I'm paraphrasing, but things to the tune of, "get lost", "you don't belong

(b)(6)

ATTACHMENT 1
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here" etc. He also according to Ms. Clark turned up the music at his desk in an attempt to drown out her conversation with (b)(6). She came back as one would imagine irritated with the incident.

May 18, For the second half of the day I had borrowed Ms. Clark from the 756 as I needed a J qualified worker to help with the installation of aft SOMS on the 767. It was shortly after 15:30, we were sitting at the table awaiting status and the TGI. At this time Ms. Clark expressed to me that she was happy she had the following day off as she felt like she was walking on egg shells with (b)(6). It was at this moment in my mind that there was likely a problem that required attention. Moments later at approximately 15:45, Ms. Clark checked her NMCI e-mail. In her inbox were two duplicate e-mails from (b)(6) sent a couple minutes apart (approx. 07:50) with the subject line "best idea ever". In the e-mail was a picture of the two of them together taken exactly 1 year ago. Ms. Clark was initially extremely annoyed, showed the e-mail to both myself and Jeff Fisher and asked if we thought it was appropriate, she seemed very upset that this took place on her work e-mail. She then quickly became visibly upset and retreated to the rest room. Upon returning from the rest room she informed me that she had spoken to (b)(6) about the incident and a call was then made to (b)(6).

(b)(6)

(b)(6)

(b)(6)

ATTACHMENT 1
Pg 2 of 2

Supplementary Affidavit

I, (b)(6) hereby certify under penalty of perjury, in accordance with 28 USC 1746, that the following is true and correct to the best of my belief.

The following is given as a supplement to my original statement of 6 June 2016. My position is (b)(6)

(b)(6) at Portsmouth Naval Shipyard. My first line supervisor is (b)(6) My second line supervisor is (b)(6)
(b)(6)

I do not recall the date, but I did witness (b)(6) make avoidable physical contact (body bump) with Ms. Clark. This was in Building 174, Shop 67 work area on the first floor.

I give this statement voluntarily and without duress. I understand that, in the event disciplinary action is taken as a result of this investigation, this statement may be used as supporting documentation for that action. In addition, I understand that it may be released to the person against whom disciplinary action has been proposed, and that I may be called upon to be a witness in any proceeding which follows such

(b)(6)

Signature

06/24/16

Date

Affidavit

I, (b)(6) hereby certify under penalty of perjury, in accordance with 28 USC 1746, that the following is true and correct to the best of my belief.

My position is (b)(6) at Portsmouth Naval Shipyard. My first line supervisor is (b)(6) My second line supervisor is (b)(6)

On Wednesday, May 18, 2016 while on my way home from work, Ms. Clark contacted me at approximately 4PM. She stated (b)(6) used his NMCI email to send her a face book picture of them she had taken last year of the two of them. He sent it twice within a few minutes. She told me that he harassed her earlier this morning, which she ignored. She told me that he has been getting more and more harassing to her over the past couple of weeks, and she was at the point that she didn't want to come to work and she was scared to see him outside of the Shipyard.

She has had many incidents with (b)(6) in the past, including him texting her calling her horrible names and degrading her. She reported this once already, and in my opinion little was done. She at the point now where she wants to work elsewhere because as she has said to me "I hate my job now thanks to what he's doing to me."

I have never been witness to them personally having words, but I have been there immediately after when she was crying and asking me how he could be so mean to her, even in the work environment. I would hope the latest incident would be enough to take serious action.

I give this statement voluntarily and without duress. I understand that, in the event disciplinary action is taken as a result of this investigation, this statement may be used as supporting documentation for that action. In addition, I understand that it may be released to the person against whom disciplinary action has been proposed, and that (b)(6) may be called upon to be a witness in any proceeding which follows such action.

(b)(6) _____ (b)(6) _____
Signature Date

Affidavit

I, (b)(6) hereby certify under penalty of perjury, in accordance with 28 USC 1746, that the following is true and correct to the best of my belief.

My position is (b)(6) at Portsmouth
Naval Shipyard. My first line supervisor is (b)(6) My second
line supervisor is (b)(6)

On Wednesday, May 18, 2016 while on my way home from work, Ms. Clark contacted me at approximately 4PM. She stated (b)(6) used his NMCI email to send her a face book picture of them she had taken last year of the two of them. He sent it twice within a few minutes. She told me that he harassed her earlier this morning, which she ignored. She told me that he has been getting more and more harassing to her over the past couple of weeks, and she was at the point that she didn't want to come to work and she was scared to see him outside of the Shipyard.

She has had many incidents with (b)(6) in the past, including him texting her calling her horrible names and degrading her. She reported this once already, and in my opinion little was done. She at the point now where she wants to work elsewhere because as she has said to me "I hate my job now thanks to what he's doing to me."

I have never been witness to them personally having words, but I have been there immediately after when she was crying and asking me how he could be so mean to her, even in the work environment. I would hope the latest incident would be enough to take serious action.

I give this statement voluntarily and without duress. I understand that, in the event disciplinary action is taken as a result of this investigation, this statement may be used as supporting documentation for that action. In addition, I understand that it may be released to the person against whom disciplinary action has been proposed, and that (b)(6) may be called upon to be a witness in any proceeding which follows such action.

(b)(6)

Signature

(b)(6)

Date

(b)(6)

From: (b)(6)
Sent: 11/11/16 11:11 AM
To: (b)(6)
Subject: Statement
Signed By: (b)(6)

(b)(6) and (b)(6)

I was asked to write a statement on what transpired on Wednesday 5-18 between (b)(6) (b)(6) and Stephanie Clark. Stephanie contacted me at approx. 4PM as I was on my way home from work. She stated that (b)(6) (b)(6) used his NMCI E-mail to send her a Facebook picture of them she had taken last year of the two of them. He sent it twice within a few minutes. She told me that he harassed her earlier that morning, which she ignored. She told me that he has been getting more and more harassing to her over the past couple of weeks, and she was at the point that she didn't want to come to work and she was scared to see him outside of the shipyard.

She has had many incidents with (b)(6) in the past, including him texting her calling her horrible names and degrading her. She reported this once already, and in my opinion little was done. She's at the point now where she wants to work elsewhere because as she said to me "I hate my job now thanks to what he's doing to me."

I have never been witness to them personally having words, but I have been there immediately after when she was crying and asking me how he could be so mean to her, even in the work environment. I would hope the latest incident would be enough to take serious action.

V/R
(b)(6)

(b)(6)

ATTACHMENT 1
Pg 1 of 1

Supplementary Affidavit

I, (b)(6) hereby certify under penalty of perjury, in accordance with 28 USC 1746, that the following is true and correct to the best of my belief.

The following is given as a supplement to my original statement of 6 June 2016. My position is (b)(6) at Portsmouth Naval Shipyard. My first line supervisor is Brian Minier. My second line supervisor is (b)(6)

I have never witnessed any inappropriate physical contact between (b)(6) and Ms. Clark.

I give this statement voluntarily and without duress. I understand that, in the event disciplinary action is taken as a result of this investigation, this statement may be used as supporting documentation for that action. In addition, I understand that it may be released to the person against whom disciplinary action has been proposed, and that (b)(6) called upon to be a witness in any proceeding which follows (b)(6) action.

Signature

(b)(6)

Date

Affidavit

I, (b)(6) hereby certify under penalty of perjury, in accordance with 28 USC 1746, that the following is true and correct to the best of my belief.

My position is (b)(6) at Portsmouth Naval Shipyard. My first line supervisor is (b)(6) My second line supervisor is (b)(6)

Mr (b)(6) is a moody individual, some days he is in a good mood, and others he is in unfriendly mood. I have not directly witnessed any unusual events between Ms. Clark and (b)(6) but I have seen Ms. Clark upset after some of these incidents.

I give this statement voluntarily and without duress. I understand that, in the event disciplinary action is taken as a result of this investigation, this statement may be used as supporting documentation for that action. In addition, I understand that it may be released to the person against whom disciplinary action has been proposed, and that I may be called upon to be a witness in any proceeding which follows such action.

(b)(6)

Signature

(b)(6)

Date

Affidavit

I, (b)(6), hereby certify under penalty of perjury, in accordance with 28 USC 1746, that the following is true and correct to the best of my belief.

My position is (b)(6)
at Portsmouth Naval Shipyard. My first line supervisor is (b)(6)
(b)(6) My second line supervisor is (b)(6)

(b)(6) is a moody individual, hit or miss. Some days he is in a good mood, and others he is in unfriendly mood. I have not directly witnessed any unusual events between Ms. Clark and (b)(6) but heard about it third hand.

Back in February, I went to Bldg 174 at the request of (b)(6) and pulled (b)(6) and Ms. Clark together for a discussion about (b)(6) behavior. Ms. Clark stated she didn't want to report specific issues to management's attention at this at this time. Ms. Clark reported his behavior was making it difficult to do her job but she just wanted to do her job, but did not want to cause a problem.

I give this statement voluntarily and without duress. I understand that, in the event disciplinary action is taken as a result of this investigation, this statement may be used as supporting documentation for that action. In addition, I understand that it may be released to the person against whom disciplinary action has been proposed, and that I may be called upon to be a witness in any proceeding which follows such action.

(b)(6)
Signature _____

(b)(6)
Date _____

Affidavit

I, (b)(6) hereby certify under penalty of perjury, in accordance with 28 USC 1746, that the following is true and correct to the best of my belief.

My position is (b)(6) at Portsmouth Naval Shipyard. My first line supervisor is (b)(6) (b)(6). My second line supervisor is (b)(6)

A few months ago, (b)(6) informed me of a problem with one of his employees (Ms. Clark) and a Code 293 individual (b)(6). He told me that he spoken to (b)(6) and the issue was resolved.

Was also informed that (b)(6) came down to discuss with Ms. Clark and (b)(6) and that there was no further action at this time.

In middle to late May, I left early on Wednesday, and upon to return to work on Thursday I was informed by (b)(6) that Ms. Clark had spoken to the (b)(6) about the problem and that she would be off the rest of the week. I called the shop (b)(6) to make sure they were aware of what happened.

I give this statement voluntarily and without duress. I understand that, in the event disciplinary action is taken as a result of this investigation, this statement may be used as supporting documentation for that action. In addition, I understand that it may be released to the person against whom disciplinary action has been proposed, and be a witness in any proceeding which

(b)(6)

(b)(6)

Signature

D

Affidavit

I, (b)(6) hereby certify under penalty of perjury, in accordance with 28 USC 1746, that the following is true and correct to the best of my belief.

My position is (b)(6)
(b)(6) at Portsmouth Naval Shipyard. My first line supervisor is (b)(6)
(b)(6) My second line supervisor is (b)(6)

About three months ago I received a call from (b)(6) concerning the test program suffering from lack of 967 Test Director support and a statement from (b)(6) that he would do all test directing if 967 couldn't cover it. This was based on the fact that there are only two 967 Navigation Test Directors, and Ms. Clark was recently moved to cover a Worker Leader Training position, and only covered testing when training duties allowed. I contacted (b)(6) to discuss concern that CSO would be doing all Test Directing and this was different from our agreement. He agreed and asked me to contact (b)(6) the Sonar and Navigation Branch Head in Code 290. I spoke with (b)(6) told him we would support the NAV system testing on the 756 and he agreed to speak with (b)(6) about it.

I give this statement voluntarily and without duress. I understand that, in the event disciplinary action is taken as a result of this investigation, this statement may be used as supporting documentation for that action. In addition, I understand that it may be released to the person against whom disciplinary action has been proposed, and that I may be called upon to be a witness in any proceeding which follows such action.

Signature

(b)(6)

Date

Affidavit

I, (b)(6) hereby certify under penalty of perjury, in accordance with 28 USC 1746, that the following is true and correct to the best of my belief.

My position is (b)(6)
at Portsmouth Naval Shipyard. My first line supervisor is (b)(6)
(b)(6) . My second line supervisor is (b)(6)

On Wednesday May 18, 2016 I received a call on my way home from work from Ms. Clark that she could no longer perform her duties and desired to be moved to a different project due to the way she was being treated (disrespectful, creepy behavior) by (b)(6) on the 756. She also requested to take an additional day of leave and return to work on Monday, 23 May 2016. I granted the leave and informed her I would notify my management and she would be contacted Monday on where to report. I called (b)(6) to report what I had been told. Ms. Clark was upset and crying during the phone call.

On Thursday May 19, 2016 I walked down to the project to check on things and touch base with Ms. Clarks fill in supervisor (b)(6)) and zone manager (b)(6)

On Tuesday May 24, 2016 I walked down to check on Ms. Clark's well-being.

I give this statement voluntarily and without duress. I understand that, in the event disciplinary action is taken as a result of this investigation, this statement may be used as supporting documentation for that action. In addition, I understand that it may be released to the person against whom disciplinary action has been proposed, and that I may be called upon to be a witness in any proceeding which follows such action.

Signature _____

(b)(6)

Date

Affidavit

I, (b)(6) hereby certify under penalty of perjury, in accordance with 28 USC 1746, that the following is true and correct to the best of my belief.

My position is (b)(6) at Portsmouth Naval Shipyard. My first line supervisor is (b)(6)
(b)(6) My second line supervisor is (b)(6)

Approximately 1 year ago, personnel on the project suspected Ms. Clark and (b)(6) were dating. Everything with respect to their professional relationship was fine. Ms. Clark was always very professional when she was in our office.

In February 2016, (b)(6) approached (b)(6) and verbally counseled him to correct his unprofessional, abrasive behavior in the shop and on the boat when dealing with Ms. Clark and other Shop 967 personnel. This counseling appeared to correct the problem.

On Wednesday May 18, 2016 at approximately 1555 Ms. Clark entered the Code 290 CTE/TD Leaders office in Building 174. She was in tears visibly upset and told (b)(6) and I that she felt she was being harassed by (b)(6). She stated she loves her job and that she just wanted to do her job and not be sick about coming into work or afraid of what would happen that day or what she would receive in her email. She stated that she had received NMCI emails from (b)(6) (b)(6) with Facebook pictures. Ms. Clark stated that she had rebuffed his advances and that he did not want to take no for an answer so he tried to make her work environment hurtful. She was very upset. She also stated that a former general foreman discussed this with Code 293 some time ago.

I have not witnessed any inappropriate or unwelcome physical contact between (b)(6) and Ms. Clark.

(b)(6) has been counseled both verbally and in writing about tardiness and absenteeism. (See attachment 1). There have been one or two times when he has not shown up for work and did not call in where we had to call him to verify he was alright. I have not had anybody from the Shipyard go to his residence to do a wellness check. He is a moody employee. When he is in a good mood he is a wealth of

knowledge, when he is in a bad mood, he can be abrasive and unprofessional.

I recently wrote a letter of recommendation for him in support of a review of his security clearance.

I give this statement voluntarily and without duress. I understand that, in the event disciplinary action is taken as a result of this investigation, this statement may be used as supporting documentation for that action. In addition, I understand that it may be released to the person against whom disciplinary action has been proposed, and that I may be called upon to be a witness in any proceeding which

(b)(6)

Lucc

(b)(6)

(b)(6)

From: (b)(6)
Sent: Wednesday, May 18, 2016 16:50
To: (b)(6)
Subject: eeo
Signed By: (b)(6)

At approximately 1555 Stephanie Clark entered the 290 office in tears and began to tell me and (b)(6) that she felt the she was being harassed or stalked by (b)(6) shehorn. She stated that she loves her job and that she just wanted to do her job and not be sick about coming into work or afraid of what would happen that day or what she would receive in her email (she stated that she would receive email from make of Facebook pictures from his work email). She stated she had basically rebuffed his advances and that he did not want to take no for an answer so he tried to make her work environment hurtful. She was very upset. She also stated that a former general foreman discussed this with 293 some time ago.

I informed (b)(6) (he informed (b)(6) ?), (b)(6) notified EEO

(b)(6)

(b)(6)

(b)(6)

(b)(6)

ATTACHMENT 1
Pg 1 of 1

RECORD OF COUNSELING

NAVSHIPYD-PTSMH 12430/3 (NEW 11/81)

NAVSHIPYD-PTSMHINST 12430.5 APPLIES

1. Name (b)(6) (b)(6)	2. Title and Grade (b)(6)	3. Check Number 319-50039
4. Shop and/or Code Code (b)(6)	5. Number of Previous Counselings on Same or Similar Circumstances 1 – Written 1 – Verbal (8/2/15)	6. Date 11/25/2015
7. Reason for Counseling: Multiple working days late for work, while working on the USS Scranton (SSN-756) EOH waterfront project. Standard Working hours are (0700-1530).		
7a. Error or Delay Which Occurred and What Resulted: Between 11/16/15 and 11/25/15, I've noticed or been made aware of you not being here at the beginning of your shift. You were either contacted by phone or text by the CTE-W to enquire as to your welfare and location. Your response was I'm on the way or something to that effect. Specifically you arrived to duty after 0800 on both 11/24 and 11/25 and were late the previous week resulting in no comment from your immediate supervisor.		
7b. Supervisor's Recommendations on What Should Have Been Done: Don't over sleep. If there is trouble sleeping or waking at home, seek professional help. Contact the Employee Assistance Program (EAP) POC is (b)(6) for assistance or options. Finally, if the waterfront environment is too much, contact your branch head or division head for other possible assigned work.		
8. Supervisor's Summary and Comment on Session: The intent of this session is to remind the employee that this is unacceptable behavior and is setting the wrong example for his peers NAVSHIPYD INST 12630.15A is the governing document for requirement's to support a waterfront project.		
9. I hereby acknowledge that I was counseled for the reasons stated above. (b)(6)		
10. Name and Title of Counselor (b)(6) ACTE-W 756 Project	(b)(6)	12. Date: 11/25/15
13. Copy To: Code 60, Fleet HRO, bldg. 44/		

(b)(6)

(b)(6)

ATTACHMENT 2
Pg 1 of 1

Affidavit

I, (b)(6) hereby certify under penalty of perjury, in accordance with 28 USC 1746, that the following is true and correct to the best of my belief.

My position is Code (b)(6) at Portsmouth Naval Shipyard. My first line supervisor is (b)(6) My second line supervisor is (b)(6)

(b)(6) started working 756 around September, 2015. His relationship with Ms. Clark appeared mostly amicable. On occasion, he exhibited mood swings, with good days and bad days.

Earlier this year, (b)(6) complained about his moodiness and spoke to ~~him~~ about it.

me (b)(6)

On Wednesday May 18, 2016, at approximately 1600, Ms. Clark arrived at my desk in the CSO office in building 174. She wanted to report an incident involving her and (b)(6) and spoke with (b)(6) and I. She was visibly upset, in tears and was having a hard time speaking. She reported that (b)(6) using NMCI email had sent her a facebook screen shot that appeared to be work related. She did not disclose the content of the facebook screen shot but indicated that it was upsetting to her. She stated that there had been an ongoing conflict between them based on her not being interested in pursuing a romantic relationship with him. She stated that there had been previous incidents where he had called her a "dumb bitch", threatened to do what he could to prevent her career advancement and was generally unprofessional and mean towards her. She stated that she didn't want to file an official complaint or get him in trouble but wanted the behavior to stop. She stated that it was creating an uncomfortable work environment and that she really enjoyed her work with the shipyard, but that this situation was making her not even want to come into work. (b)(6) and I assured her we would take appropriate actions.

At approximately 1615 I went down to the shop and spoke further with Ms. Clark. I told her I was sorry this had happened and that I didn't realize there had been an ongoing problem. I again I assured her we would take the appropriate actions.

At approximately 1620 I met (b)(6) who was in the process of briefing the DPS (b)(6) on the issue.

At approximately 1630 I met with the Code 290 Division Head (b)(6)
(b)(6) He had already been informed of the issue and was in
process of making a notification to EEO via email. We had a brief
conversation regarding the incident.

On Thursday May 19, 2016 at 0630 I met with (b)(6) and Code
(b)(6) (b)(6) about this issue. I was informed that
(b)(6) was meeting with (b)(6) (b)(6)
(b)(6) and EEO specialist, (b)(6) in regards to
this. I was directed to not address this issue with (b)(6) and
that (b)(6) would address this after that meeting.

At approximately 0945, (b)(6) met with (b)(6) to discuss
this incident.

At approximately 1000, (b)(6) met with (b)(6) and I advising
us that (b)(6) would be re-assigned off the project and into
building 86A while this matter was resolved.

At approximately 1030 I returned a call to (b)(6) and provided
her my account of Ms. Clarks complaint essentially covering what I
spoke to at the beginning of this statement. I told her if she
required anything further from me to please not hesitate to contact
me.

I have not observed any physical contact between Ms. Clark and (b)(6)
(b)(6)

I have observed (b)(6) showing up for work late ~~or not showing~~
~~up~~ a couple of times and not calling. I believe he was counseled for
this by (b)(6) in the past. I have not dispatched any Shipyard
personnel to do wellness checks on (b)(6)

I give this statement voluntarily and without duress. I understand
that, in the event disciplinary action is taken as a result of this
investigation, this statement may be used as supporting documentation
for that action. In addition, I understand that it may be released to
the person against whom disciplinary action has been proposed, and
that I may be called upon to be a witness in any proceeding which
follows such action

(b)(6)

(b)(6)

Date

On 5/18/16 at approximately 1600 (b)(6) arrived at my desk in the CSO office in building 174. She wanted to report an incident involving her and (b)(6) and spoke with myself (b)(6) 756 TDL and (b)(6) (b)(6). She was visibly upset, in tears and was having a hard time speaking. She reported that (b)(6) over NMCI email, had sent her a screen shot from Facebook in an email that appeared to be work related. She did not disclose the content of the Facebook screen shot but indicated that it was upsetting to her. She stated that there had been an ongoing conflict between them based on her not being interested in pursuing a romantic relationship with him. She stated that there had been previous incidents where he had called her a "dumb bitch", threatened to do what he could to prevent her career advancement and was generally unprofessional and mean towards her. She stated that she didn't want to "file an official complaint" or "get him in trouble" but wanted the behavior to stop. She stated that it was creating an uncomfortable work environment and that she really enjoyed her work with the shipyard but that this situation was making her "not even want to come into work". (b)(6) (b)(6) I assured her we would take the appropriate actions.

At approximately 1615 I went down to the shop and spoke further with Ms. Clark. I told her that I was sorry that this had happened and that I didn't realize there had been an ongoing problem. I again assured her that we would take appropriate actions to address this.

At approximately 1620 I met (b)(6) (b)(6) was in process of briefing our (b)(6) (b)(6) on this issue. The project was informed at this time of a personnel issue involving project personnel.

At approximately 1630 I met with the (b)(6), Mr. (b)(6). He had already been informed of the issue and was in process of making a notification to EEO via email. We had a brief conversation regarding the incident.

On 5/19/16 at 0630 I met with (b)(6) and Code 293 Branch Head Dan (b)(6) this issue. I was informed that (b)(6) was meeting with (b)(6) (b)(6) and (b)(6) (b)(6) regards to this. I was directed to not address this issue with (b)(6) and that (b)(6) would address this after that meeting.

At approximately 0945 (b)(6) spoke with (b)(6) regarding this incident.

At approximately 1000 (b)(6) spoke with (b)(6) (b)(6) me advising us that (b)(6) would be reassigned off of the project team and into Building 86A while this matter was being resolved.

At approximately 1030 I returned a call to (b)(6) and provided her my account of Ms. Clark's complaint essentially covering what I spoke to at the beginning of this statement. I told her if she required anything further from me to please not hesitate to contact me.

(b)(6)

ATTACHMENT 1
Pg 1 of 1

Affidavit

I, (b)(6) hereby certify under penalty of perjury, in accordance with 28 USC 1746, that the following is true and correct to the best of my belief.

My position is (b)(6)
(b)(6) at Portsmouth Naval Shipyard. My first line supervisor is
(b)(6) My second line supervisor is (b)(6)

Earlier this year I received a call from (b)(6) concerning the test program suffering from lack of 967 Test Director support and a statement from (b)(6) that he would do all test directing if 967 couldn't cover it. This was based on the fact that there are only two 967 Navigation Test Directors, and Ms. Clark was recently moved to cover a Worker Leader Training position, and only covered testing when training duties allowed. We discussed our agreement that 967 would do test director functions when they had a test director available. (b)(6) told me the Shop 67 would support the NAV system testing on the 756 and I agreed to speak with (b)(6) about our agreement.

On May 18, 2016 I received a call from division head (b)(6) stating there was a report of an incident between one of my Code 293 employees and a shop 950 employee. We discussed the situation and decided to address it first thing in the morning.

On May 19, 2016 I discussed the situation again with (b)(6) and it was determined and we agreed that I would discuss it with the EEO office ((b)(6) and labor relations ((b)(6) to determine the correct path forward. After conferring with (b)(6) and (b)(6) I decided to remove my employee from the project / situation pending further investigation and move him to building 86A. He took the re-assignment in stride and asked me why this was happening. I told him there was an offending email sent to another employee and couldn't discuss it any further until all the facts came out pending further investigation.

On May 20, 2016 I talked to (b)(6) and he produced an email that he had sent to a Shop 950 employee (which I recognized as Stephanie Clark) which contained an attachment of a facbook screen shot. The picture showed the two together and mentioned something about being at breakfast with his new best friend. From what I could see there was no derogatory comments or anything that could be harassing in

nature. I expressed my concerns to (b)(6) that if this pending investigation concerned the person in the picture that he should have no contact with her whatsoever, (either personally, professionally or by any social media) which he concurred with.

I have assigned my employee work from another project (SHAPEC) that will not require interaction with his original project or shop 950. I am currently awaiting the results of the pending investigation.

I give this statement voluntarily and without duress. I understand that, in the event disciplinary action is taken as a result of this investigation, this statement may be used as supporting documentation for that action. In addition, I understand that it may be released to the person against whom disciplinary action has been proposed, and that I am upon to be a witness in any proceeding which follows.

(b)(6)

(b)(6)

Signature

Date

(b)(6)

From: (b)(6)
Sent: Friday, May 20, 2016 15:11
To:
Cc: (b)(6)
Subject: incident
Signed By: (b)(6)

On 5/18 at approx. 1630 I received a call from my Division head Mr. (b)(6) stating there was a report of an incident between one of my Code 293 employees and a Shop 950 employee. We discussed the situation and decided to address it first thing in the morning 5/19/16.

On Thur. 5/19/16 I discussed the situation again with (b)(6) and it was determined that I would talk to the EEO office ((b)(6) & Labor Relations ((b)(6) to determine the correct path forward. After conferring with Jennifer & Frank, I decided to remove my employee from the project/situation pending further investigation and move him to 86A. He took the re-assignment in stride and asked me why this was happening. I told him that there was an offending e-mail sent from another employee and couldn't discuss it any further until all the facts came out pending further investigation.

On Friday 5/20/16 I talked to my employee and he produced an E-mail that he had sent a 950 employee (which I recognized as Stephanie Clark) which contained an attachment of a Facebook screen shot. The picture showed the two together and mentioned something about being at breakfast with his new best friend. From what I could see there was no derogatory comments or anything that could be harassing in nature.

I expressed my concerns to my employee that if this pending investigation concerned the person in the picture that he should have no contact with this person whatsoever, (either personally, professionally or by any social media) which he concurred with.

I have assigned my employee work from another project that will not require interaction with his original project or shop 950. I am currently awaiting the results of the pending investigation /contact with the 950 employee by the EEO office.

(b)(6)

(b)(6)

ATTACHMENT 1
Pg 1 of 1

Affidavit

I, (b)(6) (b)(6) hereby certify under penalty of perjury, in accordance with 28 USC 1746, that the following is true and correct to the best of my belief.

My position is (b)(6) at Portsmouth Naval Shipyard. My first line supervisor is (b)(6) My second line supervisor is (b)(6)

On October 28, 2015, I vaguely recall sending a series of text messages to the personal cellphone of Ms. Clark. I do not recall the time of day those messages were sent.

On October 29, 2015 I do not recall texting a facebook picture to the personal cellphone of Ms. Clark with the following statement: "Just a liar like all the rest".

In early November 2015, I do not recall telling her that I am vital to the test program and she is not.

I have not refused to talk to Ms. Clark during the conduct of work or testing which requires our communication.

In February 2016, I do not recall having a discussion with (b)(6) (b)(6) about unprofessional behavior and treating his personnel with respect.

On February 19, 2016, I do not recall sending a series of text messages to Ms. Clark's personal cell phone.

On February 25, 2016, I do not recall sending a series of text messages to Ms. Clark's personal cell phone.

I have never intentionally made physical contact with Ms. Clark at work.

On May 14, 2016 after finishing work and testing, I recall discussing where to go eat with Ms. ~~Clark~~ and other shop 67 personnel. I left building 174 through a different door and ended up walking out of the CIA area behind Ms. Clark. I did not say anything to her, and ended up exiting the CIA turnstile in front of her; and went out front gate.

On Tuesday May 17, 2016 I recall Ms. Clark being in the CSO work area in building 174 talking loudly with Mr. (b)(6) and I remember turning up my radio to drown out their conversation as it was interfering with my work.

On Wednesday May 18, 2016 I vaguely remember sending her two emails on NMCI which contained a facebook picture from a year earlier. The emails did not say anything.

I give this statement voluntarily and without duress. I understand that, in the event disciplinary action is taken as a result of this investigation, this statement may be used as supporting documentation for that action. In addition, I understand that it may be released to the person against whom disciplinary action has been proposed, and that I may be called upon to be a witness in any proceeding which follows such action.

Sigr

(b)(6)

Date

(b)(6)

Affidavit

I, (b)(6) hereby certify under penalty of perjury, in accordance with 28 USC 1746, that the following is true and correct to the best of my belief.

My position is (b)(6)
Division at Portsmouth Naval Shipyard. My first line supervisor is
(b)(6) My second line supervisor is (b)(6)

In May 2016, (b)(6) stopped by the office in building 174 to discuss a question with a CSO trouble desk individual. Upon arrival, that person was busy. While waiting, Ms. Clark started discussing her recent trip with me.

As we were talking, (b)(6) very rudely told us to be quiet or take our conversation elsewhere, and turned up the volume on his radio to drown us out. It was a very uncomfortable situation for both of us. Ms. Clark finished her business, and departed the CSO work area.

I give this statement voluntarily and without duress. I understand that, in the event disciplinary action is taken as a result of this investigation, this statement may be used as supporting documentation for that action. In addition, I understand that it may be released to the person against whom disciplinary action has been proposed, and that I may be called upon to be a witness in any proceeding which follows such action.

(b)(6) (b)(6) /s/ _____
Signature

06/24/2016
Date

(b)(6)

From: (b)(6)
Sent: Friday, June 24, 2016 9:51
To:
Attachments: (b)(6)

(b)(6)

Reviewed and signed.

(b)(6)

(b)(6)